

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

SYLVESTER MARSHALL

Defendant.

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**DECISION AND ORDER**  
09-CR-272S

1. On September 3, 2009, the Defendant entered into a written plea agreement (Docket No. 6) and pled guilty to a One Count Felony Information (Docket No. 1) charging a violation of Title 18, U.S.C. Section 641 (Theft of Government Money).

2. On September 3, 2009, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report and Recommendation (Docket No. 8) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge Schroeder's September 3, 2009, Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation, and will accept Judge Schroeder's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's September 3, 2009, Report and Recommendation (Docket No. 8) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Sylvester Marshall is accepted, and he is now adjudged guilty of Title 18, U.S.C. Section 641.

SO ORDERED.

Dated: September 29, 2009  
Buffalo, New York

/s/ William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge